

REMARKS

This patent application includes claims 1-10, all of which stand rejected. Claims 1 and 2 are amended to overcome a rejection under 35 U.S.C. § 112, and all rejections are respectfully traversed.

All claims were rejected as indefinite under 35 U.S.C. § 112. The Examiner referred specifically only to claims 1 and 2.

Through an inadvertent error, claim 1 recited "a liquid" at line 5, instead of "the liquid;" and "the" was inadvertently omitted before "slurry" at line 9. These have now been corrected.

In addition, claim 2 has been amended to change "one of: fuel A generator of electric power used in the present method; and fuel a burner utilizing the present method" to "a fuel generator of electric power used in the present method or a fuel burner utilized in the present method." Two amendments were made: moving the position of the indefinite article "a" to correct an inadvertent error and simplifying the form "one of . . . and . . . " structure to the simpler alternative structure " . . . or"

The rejection of the claims under 35 U.S.C. § 112 should now be withdrawn.

All claims were rejected as obvious over Kelyman U.S. Patent No. 4,846,975. This rejection is respectfully traversed. Kelyman does not teach or even remotely suggest the present invention.

The Kelyman patent is entitled "Anaerobic Digestion Process." Up to the point of collection of the bulk storage 27, Kelyman defines merely a sorting process. The bulk storage 27 material is introduced into an aqueous medium rotating drum 30, 31, the purpose of which is "to reduce the organic materials into a pulp by the combination of a horizontal general flow with a *gentle* action of water, and heat and mechanical energy to conduct defibration" (col. 2, lines 32-35, emphasis added). Kelyman refers to this as a "gentle defiberizing process" (col. 2, line 58).

Kelyman also states that "material which is too strong to disintegrate in the gentle defiberizing process and too large to get through the perforations is rejected" (col. 2, lines 57-59). Thus, the pulp which remains has a "low consistency" (col. 2, lines 55-56)- a relatively smooth, pasty consistency.

In order to produce the pulp, "the material is successively dropped on a hard surface" at "an approximately 1 meter dropping distance" and by "repeating the operation 200 times or more." This pulp is then delivered to a mixing tank 42, where it is mixed with thickened *sewage* sludge and blended into a homogenized anaerobic digestive feedstock (col. 2, lines 65-68). After removal of heavy grit and sludge, the digested material is delivered to a press 47 for sludge thickening. The thickened sludge from press 47 is then incinerated or maintained in bulk storage (col. 3, lines 25-26).

In making the obviousness rejection, the Examiner compares the "continuously subjecting" step of the present invention which the defiberizing step of Kelyman. Initially, it should be noted that the "continuously subjecting" step is performed on a dried slurry. The defiberizing process does not produce a dried slurry, but a homogenous pulp. Moreover, the "continuously subjecting step" involves providing "sufficient mechanical pressure and warping forces, so that the temperature thereof is increased substantially and the microorganism content thereof is changed, rendering the resultant material . . . springy and full in structure."

The homogenous pulp of Kelyman is hardly springy and full in structure. In fact, the strong disintegration of fiber which it produces assures that there will be no springiness or fullness of structure. Furthermore, as described in col. 2, lines 26-61, defiberizing is produced by simply dropping the material on a surface from a distance of about 1 meter. There is not the slightest suggestion of using mechanical pressure, friction, and warping forces that would substantially increase the temperature of the material.

Also, the product of the "continuously subjecting" step is "hygienic, practically germ-free and neutral in odor." Kelyman could hardly be concerned with rendering the output of drum

30, 31 hygienic, germ-free or neutral in odor, since at a subsequent step, he combines it with sewage sludge in tank 42.

It should also be noted that press 47 also does not provide the kind of thermomechanical treatment or produce the kind of product required by the "continuously subjecting" step. Press 47 merely thickens the sludge, and its output is a thickened sewage sludge which does not exhibit the springy and full structure mentioned above, nor is it hygienic, germ-free or neutral in odor. In fact, nowhere in the Kelyman process is the type of thermomechanical treatment of claim 1 performed nor the type of material claimed produced. There is also not the slightest suggestion in Kelyman of producing a recycled humus.

The Examiner's rejection was just short of rising to the absurd level of suggesting that the output material of the Kelyman process be heaped for aerobic composting. In fact, Kelyman teaches absolutely nothing about aerobic processing but is based entirely on anaerobic processing. In this sense, it teaches away entirely from the present invention. The Examiner did indicate that he was essentially ignoring the aerobic processing owing to the use of the term "for" in the last subparagraph of claim 1. This has now been changed to "to achieve", so the Examiner must consider this step as being performed. It is indeed a stretch of the imagination to even suggest that the stinking mess produced by Kelyman would ever be maintained in the open (Kelyman suggests only that it be incinerated or maintained in bulk storage (col. 3, lines 25-26)). One must also wonder how a sludge could ever be "heaped", as would run all over the ground. The same must be noted about the pulp produced in drum 30, 31.

In summary, Kelyman could in no sense be considered to render the method of the present invention obvious. If anything, Kelyman teaches away from the steps involved in the present method and the type of product it produces. The Examiner's tortured reading of the present claims on the process of Kelyman rises to the level of absurdity. Not only is claim 1 not obvious over Kelyman, but this rejection is outrageous and should be withdrawn.

Claims 2-10 depend from claim 1 and are believed to be allowable based upon their dependence from an allowable claim. However, certain of these claims are allowable on their own merits owing to the inclusion of additional claimed subject matter not taught or suggested by Kelyman. For example, claim 7 relates to the addition of vegetable matter to the slurry prior to the subjecting step, claim 8 recites that the subjecting step be performed with a twin-screw extruder, claim 9 recites that the extruder utilize thrust reversal of mass flow, and claim 10 recites the specific tasks to be performed during the composting process. None of these features are taught or even remotely suggested by Kelyman. Accordingly, these claims are believed to be allowable on their own merits.

Applicant's attorney has made every effort to place this patent application in condition for allowance. It is therefore earnestly requested that this application, as a whole, receive favorable reconsideration and that all of the claims be allowed as presently constituted. Should there remain any unanswered questions, the Examiner is requested to call the Applicant's undersigned attorney at the telephone number indicated below.

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Respectfully submitted,

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